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Our Reference: 202500471316

Your Reference: Natural Environment Bill: Invasive Non-Native Species Correspondence dated 13 June 2025

23 September 2025

Dear Juliet Caldwell,

Thank you for your correspondence dated 13 June 2025 where you put forward proposed amendments that Scottish Environment LINK would like to see in the Natural Environment (Scotland) Bill ("the Bill") regarding invasive non-native species (INNS) in Scotland.

I would first like to apologise for the lateness of my response, as we prepare for the Bill's next steps through Parliament, I wanted to fully consider work currently underway in regards to INNS as well as both legislative and non-legislative options that are available.

Ongoing action to address the threat of INNS is essential if we are to meet our commitment to restore nature by 2045, and when I gave evidence on the Bill to the Rural Affairs and Islands Committee on 4 June 2025, I acknowledged the importance of tackling INNS if we are to meet our biodiversity targets. However, not all the actions required to meet the Scottish Government's commitments to restore the natural environment and halt biodiversity loss, require primary legislation. The Bill is only one part of the ambitious programme of work being taken forward to address the biodiversity crisis in Scotland.

In terms of our general approach to INNS, the Scottish Government is currently working with NatureScot and a range of stakeholders to develop the Scottish Plan for INNS Surveillance, Prevention and Control. I understand Scottish Environment LINK have been involved in the development of this plan and hope that this continues as the plan approaches publication and during implementation. Targeted stakeholder engagement on the draft Plan is due to take place later this year with the aim of publishing the final version in 2026 and I very much look forward to hearing Scottish Environment LINK's views on the draft

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strategy.

Turning now to the specific amendments that you have proposed in your letter, I thought it would be helpful to set out in more detail the work that the Scottish Government is taking to address these issues:

### **Access for surveillance and control of mobile Invasive Non-native Species**

The Orkney Native Wildlife Project, funded in part by the Scottish Government's Nature Restoration Fund, has been highly successful in addressing the threats posed by invasive non-native stoats, with over 7600 removed to date. Native wildlife monitoring is showing a return of ground nesting waders and the Orkney vole.

As I am sure you know, the project is moving towards the final stoat removal phase. However, as you have set out, Orkney Native Wildlife Project staff have encountered problems around gaining access to some areas to undertake their work. NatureScot is currently considering how best to help support this project, which includes considering whether existing powers could be used in a targeted and pragmatic way.

### **Regulation of the release of non-native game birds**

I am aware of the concerns about the potential impacts of game bird releases. In partnership with the Cairngorms National Park Authority, the Game & Wildlife Conservation Trust has undertaken an initial assessment of the number of released reared game birds in the Cairngorms National Park.

This research, due to be published shortly, represents the first detailed assessment of game bird release densities in the Cairngorms National Park, contextualised against national trends using data from the National Gamebag Census and estate-level interviews.

I will carefully consider the report's findings including whether further research is required in order to support informed discussion around sustainable game bird management in Scotland in the future.

With regards to Highly Pathogenic Avian Influenza ("HPAI"), the Scottish Government has a robust suite of legislation, associated contingency plans and measures which, when applied, are designed to halt the spread and ultimately eradicate the virus.

As with all captive birds and mammals, it is a legal requirement that the location of captive game birds are registered on the Scottish Kept Bird Register and any signs of notifiable disease must be reported immediately to the Animal and Plant Health Agency.

Once such a report is made, restrictions are served on the premises while an investigation is carried out. These restrictions include a prohibition on the release of game birds.

Should HPAI be confirmed following investigation, disease control zones would be implemented, putting a range of further measures in place in areas surrounding the infected premises, to mitigate against further spread of the virus and game bird releases would be prohibited in any such area.

The requirement for the licensing of game bird release sites adjacent to Special Protection Areas and Special Areas of Conservation, which is undertaken by NatureScot in Scotland, also provides the Scottish Government with the powers to control the release of game birds from sites considered to be

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of conservation concern. The prevalence of HPAI in the area is one of the reasons under which a licence can be withheld.

### **Applying the Polluter Pays Principle to self-seeding saplings from commercial forestry plantations**

The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (“the Continuity Act”) introduced new duties on Ministers and other public authorities to have due regard to five guiding principles on the environment set out at section 13(1) of the Act, one of which is the Polluter Pays Principle. This ensures that consideration of protection and improvement of our environment is embedded in decision making across different policies and sectors. In line with the requirements of the Continuity Act we will be considering the polluter pays principle in the development of the Scottish Plan for INNS Surveillance, Prevention and Control.

The UK Forestry Standard is clear about protecting our ancient and native woodland resource. It states that forest managers need to avoid non-native trees being introduced unless they would help maintain or enhance the ecological function of the woodland, and that plans should be put in place where possible to develop barriers for non-native dispersal.

The Scottish Government and Scottish Forestry remain in regular contact regarding concerns about self-seeding of non-native trees. Scottish Forestry are reviewing guidance for applicants and their own staff in light of available evidence, to ensure it is fit for purpose including the upcoming revision to the long-term forest plan guidance which will take full consideration of this issue.

Work is underway on how the grant scheme could also possibly be updated; the removal of non-natives from sensitive habitat could be developed further through this process. Financial assistance is also available through NatureScot Management Agreements and Peatland ACTION projects.

Given that work is currently underway to develop the draft INNS strategy, I am of the view that this should conclude before considering whether any legislative measures will be required in the future to enable us to deliver the actions and objectives set out in it.

I hope this is helpful and I look forward to our next catch-up.

Yours sincerely



**GILLIAN MARTIN**

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